

TOWN OF ERIE
BOARD OF TRUSTEES REGULAR MEETING 1
Tuesday, April 14, 2015
6:30 p.m.
Board Room, Erie Town Hall, 645 Holbrook, Erie, CO 80516

I. CALL MEETING TO ORDER

Mayor Harris called the April 14, 2015 Regular Meeting of the Board of Trustees to order at 6:30 p.m.

II. PLEDGE OF ALLEGIANCE AND ROLL CALL

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| Roll Call: | Trustee Carroll | Present |
| | Trustee Schutt | Present |
| | Mayor Pro Tem Gruber | Present |
| | Trustee Moore | Present |
| | Trustee Charles | Present |
| | Trustee Woog | Present |
| | Mayor Harris | Present |

III. APPROVAL OF THE AGENDA

Action: Trustee Carroll moved to approve the April 14, 2015 agenda with the amendment of moving item g. from IV. Consent to item e. VII. Resolutions; the motion was seconded by Trustee Woog. The motion carried with all present voting in favor thereof.

IV. CONSENT AGENDA

- a. Approval of the March 24, 2015 Meeting Minutes
- b. Ordinance 07-2015; An Ordinance of the Town of Erie Vacating a Public Access Easement Located on Tract G, Erie Highlands Filing No. 1 Final Plat; and Setting Forth Details in Relation Thereto
- c. Resolution 15-46; A Resolution Approving Erie Highlands Filing No. 1 First Amendment and Authorizing the Mayor to Sign the Development Agreement and Subdivision Plat
- d. Resolution 15-48; A Resolution Awarding a 2015 Mowing Contract for Open Space and Right of Ways
- e. Resolution 15-50; A Resolution Authorizing a Letter of Agreement for the Upsizing of Sidewalk in Candlelight Ridge Estates
- f. Resolution 15-51; A Resolution Approving Erie Highlands Filing No. 2 and Authorizing the Mayor to Sign the Development Agreement and Subdivision Plat

Action: Trustee Moore noted for the record that she was absent from the March 24, 2015 regular meeting but had reviewed the DVD and was able to vote on this item.

CONSENT AGENDA

Action: Trustee Charles moved to approve the April 14, 2015 Consent Agenda; the motion was seconded by Trustee Moore. The motion carried with the following Roll Call vote:

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|----------------------|-----|
| Trustee Schutt | Yes |
| Trustee Woog | Yes |
| Trustee Carroll | Yes |
| Trustee Moore | Yes |
| Trustee Charles | Yes |
| Mayor Pro Tem Gruber | Yes |
| Mayor Harris | Yes |

V. PROCLAMATIONS & PRESENTATIONS

- a. St. Vrain Valley School District-Don Haddad, Superintendent, updated the Board of Trustees on SVVSD future projects.
- b. Mountain View Fire Protection District Presentation – Amy Tallent, Public Relations Director and Mark Lawley, Chief, gave a presentation on the State of the District.

VII. RESOLUTIONS

- a. Resolution 15-53; A Resolution by the Board of Trustees of the Town of Erie, Colorado, Accepting the Vista Ridge Master Final Plat, Amendment No. 1; With a Condition

The Resolution, provided for consideration by the Board of Trustees, accepts the Vista Ridge Master Final Plat, Amendment 1. The Vista Ridge Master Final Plat, Amendment 1 creates three new tracts from two existing tracts. The purpose of creating the new tracts is that the three new tracts will be deeded to the Town so that the Town may construct sidewalks along State Highway 7 from the Blue Sky Condominiums to the Vista Ridge Commercial development; and construct a new access (3/4 movement) into the Vista Ridge Commercial development from State Highway 7. The Community Development Director and Public Works Director have conditionally approved the Vista Ridge Master Final Plat, Amendment 1, contingent upon the acceptance of the final plat by the Board of Trustees and the deeds transferring the tracts to the Town. Public Notice is not required. Staff recommended the Board of Trustees authorize the Mayor to accept the Vista Ridge Master Final Plat Amendment 1 with the condition the Vista Ridge Master Final Plat Amendment 1 shall be recorded concurrent with the deeds transferring Tracts 11-B, 12-B and 12-C, Vista Ridge Master Final Plat Amendment 1 to the Town of Erie.

Action: Mayor Pro Tem Gruber moved to approve Resolution 15-53; the motion was seconded by Trustee Schutt. The motion carried with all present voting in favor thereof.

RESOLUTIONS (continued)

b. Resolution 15-54; A Resolution Awarding a Construction Contract for the Vista Ridge Commercial Access Improvements and State Highway 7 Sidewalk

The Transportation Impact Fund Capital Improvement Budget includes funds for constructing a new commercial access from Vista Ridge Filing 11 (Vista Village) onto State Highway 7, and a new 8-foot sidewalk north of State Highway 7 between the new commercial access and the Blue Sky condominiums in Vista Ridge. The Board of Trustees awarded the design contract to JR Engineering, LLC, at the February 26, 2013 Board meeting. The design was complete in 2014. Due to delays in obtaining an access permit from the Colorado Department of Transportation (CDOT) for the new commercial access onto State Highway 7, the project was postponed. CDOT has approved the access permit which allows the Town to move forward on this project. The project included two bid schedules, Vista Ridge Commercial Access Improvements (Schedule A) and State Highway 7 Sidewalk Improvements (Schedule B). An Invitation to bid was posted on the Town's website on March 12, 2015 to ensure that local contractors were notified about this project. No Erie contractors submitted bids. A pre-bid meeting was held on March 19, 2015; the low bidder is Goodland Construction, Inc. They incorporated in Colorado in 1994 and they have been located at their present location for 15-years. Staff has reviewed the bids, contacted several references of Goodland Construction, Inc. and found them to be acceptable. Staff recommended awarding the construction contract for the Vista Ridge Commercial Access Improvements and the State Highway 7 Sidewalk Improvements to Goodland Construction, Inc. in the amount of \$334,178.00.

Action: Mayor Pro Tem Gruber moved to approve Resolution 15-54; the motion was seconded by Trustee Charles. The motion carried with the following roll call vote:

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|----------------------|-----|
| Trustee Carroll | Yes |
| Mayor Pro Tem Gruber | Yes |
| Trustee Charles | Yes |
| Trustee Woog | Yes |
| Trustee Moore | Yes |
| Trustee Schutt | Yes |
| Mayor Harris | Yes |

PUBLIC HEARINGS

c. Resolution 15-55; A Resolution Approving the Second Amended/Restated Service Plan for Sunset Metropolitan District

The Town has received a request to modify the Service Plan for the Sunset Parks Metropolitan District (District). The District is requesting an extension of the dissolution date for said District as outlined in Section VIII of the Service Plan. The District is requesting the dissolution date be amended from January 15, 2015 to January 15, 2017. The District encompasses approximately 156 acres of residential land located north and west of the intersection of WCR 5 and WCR 6. The Service Plan was originally approved on February 14, 2008 and later amended in January 2010 and February 2012. Approval of this amendment to the Service Plan does not constitute the Town's approval of any future development plan or zoning.

Action: Mayor Harris opened the Public Hearing for Resolution 15-55 at 7:37 pm.

RESOLUTIONS (continued)

Public Comment

Yvonne Seaman, Representative for FS Erie Estates and Brad Neiman, Attorney with Miller & Association were present on behalf of the Applicant and answered questions from the Board of Trustees.

Action: Hearing no further request to make public comment, Mayor Harris closed the Public Hearing for Resolution 15-55 at 7:50 p.m. Trustee Woog moved to approve Resolution 15-55; the motion was seconded by Trustee Schutt. The motion carried with a six (6) for and one (1) against vote, with Trustee Carroll voting no.

d. Resolution 15-56; A Resolution Approving the Second Amended/Restated Service Plan for Rex Ranch Metropolitan District

The Town has received a request to modify the Service Plan for the Rex Ranch Metropolitan District (District). The District is requesting an extension of the dissolution date for said District as outlined in Section VIII of the Service Plan. The District is requesting the dissolution date be amended from August 24, 2014, to August 24, 2016. The District encompasses approximately 52 acres of residential land at adjacent to North 119th Street and the Lynn R. Morgan Water Treatment Facility. The Service Plan was originally approved on August 24, 2010 and the first amendment to the Service Plan was approved in August 2012 extending the date to August 24, 2014. Approval of this amendment to the Service Plan does not constitute the Town's approval of any future development plan or zoning.

Action: Mayor Harris opened the Public Hearing for Resolution 15-56 at 7:55 pm.

Public Comment

Ryan Carlson, Representative for Price Partners LLC and Brad Neiman, Attorney with Miller & Association were present on behalf of the Applicant and answered questions from the Board of Trustees.

Action: Hearing no further request to make public comment, Mayor Harris closed the Public Hearing for Resolution 15-56 at 8:10 p.m. Trustee Woog moved to approve Resolution 15-56; the motion was seconded by Mayor Pro Tem Gruber. The motion carried with all present voting in favor thereof.

e. Resolution 15-52; A Resolution Authorizing The Town Of Erie, Colorado, To Enter Into an Intergovernmental Agreement Between the Town Of Erie And the Morgan Hill Metropolitan District Ensuring Compliance With the Approved Service Plan and the Erie Municipal Code

The Town previously approved the Service Plan (Plan) for Morgan Hill Metropolitan District No. 1, 2 and 3 (Districts) in September 2008. The District encompasses approximately 215 acres of land located north and west of the intersection of Weld County Roads 3 and 10.5. In accordance with the approved Plan and Title 9-4-6 of the Town of Erie Municipal Code, the Town requires the Districts to enter into an Intergovernmental Agreement (IGA) with the Town ensuring compliance with approved Plan and the Erie Municipal Code.

Action: Mayor Pro Tem Gruber moved to approve Resolution 15-52; the motion was seconded by Trustee Schutt. The motion carried with a five (5) for and two (2) against vote, with Trustees Carroll and Moore voting no.

VIII. GENERAL BUSINESS

a. Vista Ridge Filing 1A Sketch Plan

The Owner/ Applicant is Mountain View Fire Protection District. The Plan is for 10 single-family dwelling units with one lot intended for the construction of a Fire Station. The application is in general compliance with the LDR – Low Density Residential land use designation identified on the Comprehensive Plan, Land Use Plan Map. The LDR designation allows for the residential uses that this application proposes and within the density range of 2-6 dwelling units per acre. The Vista Ridge PD Development Plan indicates that the proposed project areas lie within the Vista Ridge Low Density Single Family Detached Planning Area 2-2. The Development Plan has allocated a maximum of 15 dwelling units within the 2-2 Planning Area with a minimum lot size of 7,500 square feet. Town staff has reviewed the proposed Sketch Plan for compliance with the UDC and has provided the applicant with comments. The Town of Erie Natural Areas Inventory does not identify any natural areas within the proposed project area. The Sketch Plan is not part of a formal application for approval of a subdivision and any comments made by the Town in reaction to a Sketch Plan shall not be binding on the Town's consideration of any subsequent Preliminary or Final Plat application, nor result in a vested property right under this UDC or State Statute. Since the Sketch Plan is conceptual only, there are no lapse provisions applicable. The location of this property is east of the intersection of Bonanza Drive and Piper Drive.

IX. BOARD OF TRUSTEES REPORTS

Mayor Pro Tem Gruber asked if staff would look at the signage at County Line Road and Cheeseman because he observed cars running the stop sign. Commander Mathis said he would check on the visibility at that location.

Trustee Carroll reminded everyone that Arbor Day was coming up on the 25th of April.

X. EXECUTIVE SESSION

- a. EXECUTIVE SESSION for a conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b); specifically, to receive legal advice concerning litigation involving the Town; and, for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e); specifically, to discuss negotiation of new Memorandums of Understanding with oil and gas companies.

Action: Trustee Woog moved to go into Executive Session for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b); specifically, to receive legal advice concerning litigation involving the Town; and, for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e); specifically, to discuss negotiation of new Memorandums of Understanding with oil and gas companies; the motion was seconded by Trustee Charles. The motion carried with all present voting in favor thereof.

As required by the Open Meetings Law, this executive session was electronically recorded. Also present at this executive session are the following persons:

EXECUTIVE SESSION (continued)

Mayor Pro Tem Mark Gruber; Trustees Janice Moore, Dan Woog, Scott Charles, Waylon Schutt and Jennifer Carroll; Town Administrator A.J. Krieger; Public Works Director, Gary Behlen; Community Development Director, Marty Ostholthoff; Assistant to the Town Administrator, Fred Diehl; and Town Attorney Mark Shapiro.

This is an executive session for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b); specifically, to receive legal advice concerning litigation involving the Town; and, for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e); specifically, to discuss negotiation of new Memorandums of Understanding with oil and gas companies.

Upon completion of the Executive Session, Mayor Harris announced that the time is now 10:11 p.m., and the executive session has been concluded. The participants in the executive session were:

Mayor Tina Harris; Mayor Pro Tem Mark Gruber; Trustees Janice Moore, Dan Woog, Scott Charles, Waylon Schutt and Jennifer Carroll; Town Administrator A.J. Krieger; Public Works Director, Gary Behlen; Community Development Director, Marty Ostholthoff; Assistant to the Town Administrator, Fred Diehl; and Town Attorney Mark Shapiro.

For the record, if any person who participated in the executive session believes that any substantial discussion of any matters not included in the motion to go into the executive session occurred during the executive session, or that any improper action occurred during the executive session in violation of the Open Meetings Law, I would ask that you state your concerns for the record. Seeing none, the next agenda item is adjournment.

XI. ADJOURNMENT

Action: Trustee Charles moved to adjourn the April 14, 2015 Regular Meeting of the Town of Erie Board of Trustees; the motion was seconded by Trustee Woog. The motion carried with all present voting in favor thereof.

Action: Mayor Harris adjourned the April 14, 2015 Regular Meeting of the Town of Erie Board of Trustees at 10:12 p.m.

Respectfully Submitted,


Nancy J. Parker, CMC, Town Clerk




Tina Harris, Mayor